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REGION 2 REMEDIAL ACTION CONTRACT (RAC2)

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PRE-SOLI CI TATION CONFERENCE

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290 Broadway

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30th Floor

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New York, New York

Friday, May 18, 2007

9:00 a.m.

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TRANSCRI PT

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Presenters:

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Beni ta Jackson, Contracting Offi cer

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Rayna Brown, Contract Speci al i st

Shaheer Al vi

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Reported by:

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James W. Johnson, RPR

Global Deposi ti on Servi ces

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2 MS. JACKSON: Okay, good morning.  
3 Welcome, everyone, to New York, and thank you  
4 all for coming out this morning. I apologize  
5 for all the confusion we had this morning.  
6 The room wasn't set up right.

7 We were planning on having microphones  
8 to use across the room. They're not here, so  
9 when speaking this morning please remember to  
10 try to speak louder. We have a reporter  
11 here -- I mean, a transcriber. He's going to  
12 be typing everything up for us, so --

13 Of course, you know this is the  
14 preproposal conference for the Remedial Action  
15 Contracts here at Region 2, and my name is  
16 Benita Jackson. I'm the placement contracting  
17 officer for the four contracts that we'll be  
18 doing here, so I'd like to make quick  
19 introductions. Along with me this morning I  
20 have our team leader, Sallie McElrath.

21 MS. McELRATH: Good morning.

22 MS. JACKSON: And the contract  
23 specialist on this procurement will be Rayna  
24 Brown, and also from the Regional Office we  
25 have Shaheer Alvi. He's the, he's over the

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2 program office, and we also have Keith  
3 Moncino -- he will be the project officer --  
4 and Fernando Risotto. He's also the alternate

5 Pre Solicitation Conference.txt  
project officer.

6 Also we have Debbie Butler. She's one  
7 of the contracting officers. We're not sure  
8 yet which contract she will be working on, and  
9 we also have Helen Eng, who is also a project  
10 officer. Is Ted here? Oh, he's hiding behind  
11 the podium right there. Ted, he's also from  
12 the contracting side. And John Bachman. I'm  
13 sorry. They're both right there in the  
14 corner.

15 Can everyone hear me okay? Am I  
16 speaking too loudly or softly? We'll take  
17 care of a couple of administrative items right  
18 now. As you all know, there are sign-up sheets  
19 over there.

20 If you didn't sign in yet, please do  
21 that before you leave today, and if there's  
22 any reason that you do not want your  
23 attendance known today, for any reason, please  
24 do not sign on the sheet, because we will be  
25 posting the list online.

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2 So, you know, just to give you the  
3 possibility of teaming purposes. And also, we  
4 have index cards over there, so if you have  
5 questions, the index card is broken up into  
6 categories. Please, if you have questions,  
7 write them down on that card.

8 Pre Solicitation Conference.txt  
We will pick those cards up before we  
9 break for lunch. We will break, try to answer  
10 your questions, and we will reconvene  
11 afterwards to try to give you answers, so with  
12 all of the contracting and program officers  
13 that we have here, hopefully we'll be able to  
14 get all your questions answered.  
15 And if there's any that we can, you  
16 know, that may have additional research, we  
17 will post them online at a later date, so all  
18 of the questions and answers will be posted  
19 online. If we run out of cards, we have  
20 additional cards here that are blank. Just  
21 make sure you also put your category on the  
22 card.  
23 So I think she's had over there two  
24 questions per card, but we have additional  
25 here if we run out. And also, if you're not

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2 sure, the restrooms are right outside this  
3 door. Just go down the hall. You'll see a  
4 sign. Look to your left.  
5 And let's see, what else? We do not  
6 have any handouts today. You know, we are the  
7 EPA, so we're trying to save our trees, but  
8 everything will be posted online, and the  
9 transcriber is collecting everything today, so  
10 that will probably be available in about

11 Pre Solicitation Conference.txt  
12 three, maybe three to four weeks. We will  
13 post everything from this meeting online as  
14 well. Okay, that's it for the administrative  
15 items.

16 Take a quick look at the agenda. Once  
17 I've finished the agenda Shaheer is going to  
18 come up and give you guys a quick overview of  
19 the remedial program here in Region 2.

20 We will briefly go over the acquisition  
21 strategy, the structure of the contracts, and  
22 then Rayna will come up and give you an  
23 overview of the Brooks Act selection process,  
24 and we'll also go over the milestones and the  
25 questions that we've already received.

If you sent questions earlier to Rayna

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2 or myself, or I think it was Rodney Neely, we  
3 have those questions and answers as well.  
4 Maybe everyone will take this opportunity to  
5 turn off your phones.

6 And so we will answer those questions  
7 before we break, and then we will have a quick  
8 lunch, like I said earlier. We will go over  
9 the questions that you had this morning, and  
10 then we will come back and try to answer as  
11 best as possible, and that will be it.

12 Hopefully we will, you know, hopefully  
13 our draft RFP answered everything for you and

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14 you do not have that many questions, but I  
15 know that's not going to happen. Okay, so now  
16 Shaheer, he's going to come up and give you  
17 guys an overview of some of their projects.

18 MR. ALVI: My name is Shaheer Alvi, and  
19 I am from the Superfund program side, and I  
20 will give you just an idea of -- can you hear  
21 me all right? Okay.

22 I'm just going to give you an overview  
23 of the remedial program. I just want to know  
24 how many of you were here yesterday. I can  
25 see like half of you, and Bill McCabe, our

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2 deputy division director, he gave a very  
3 detailed presentation of the remedial, the  
4 Region 2 remedial program, but his perspective  
5 was very different.

6 He was talking from the site cleanup  
7 point of view, what kind of sites we have and  
8 how did we go about cleaning them up. I'm  
9 going to present this, the, some of the same  
10 slides that he presented, but my overview is  
11 very different.

12 I'm talking from the contracting point  
13 of view then, how did we put together the  
14 teams, how did we go about using the RACs  
15 contracts and the Army Corps of Engineers  
16 contracts to do the site cleanup, which is the

17           Pre Solici tation Conference.txt  
ultimate goal of this program.

18           So this slide shows the Region 2  
19 boundaries. It goes all the way from the US  
20 Virgin Islands in the Caribbean to the  
21 Canadian border, and it goes to Puerto Rico,  
22 New York State, New Jersey, and this slide  
23 just shows the magnitude of the NPL sites in  
24 New York State.

25           We have 110 total sites, and 23 of them

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2 have been deleted, and so we have deleted  
3 21 percent of the sites, and we are doing  
4 construction on 22 percent, and the  
5 construction has been completed on 42 percent  
6 of the sites.

7           The proposed NPL sites have one percent  
8 under study -- that means RI/FS -- both by us  
9 and the responsible party and the State, nine  
10 percent, and the design under way are three  
11 percent, and for one reason or another we have  
12 not yet started that.

13           This will give you an idea of the  
14 magnitude of the work that we have in New York  
15 State. Most of the sites in New York State  
16 are done by the responsible parties, as you  
17 will see later on, and about 25 to 30 percent  
18 are done by the federal lead, by EPA, both  
19 using the RACs contracts and the Army Corps,

20 Pre Solicitation Conference.txt  
and we have 140 NPL sites in New Jersey.  
21 Twenty-eight percent are under  
22 construction, 16 percent deleted. We  
23 completed the construction on 34 percent, and  
24 in design are seven percent, and the proposed  
25 NPL, as Bill pointed out yesterday, we haven't

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2 put many sites in the last two or three years,  
3 but we still have a whole bunch of NPL sites  
4 that are going to go on the list whenever they  
5 open it up.

6 And that's Puerto Rico. We have only a  
7 few sites, as you can see, in Puerto Rico, but  
8 most of them are responsible party leads,  
9 and -- but we have, we are doing these studies  
10 on a number of sites using our own RACs  
11 contracts, and you can see the distribution.

12 The main purpose of these slides is just  
13 to give you the idea of the magnitude of work  
14 that we do around here, and then I'll give you  
15 a few slides of the sites that we have done.  
16 The Hudson River is the most notorious site in  
17 Region 2.

18 It represented more detail, because we  
19 were intimately involved in writing the record  
20 of decision, which was done in 2002, but here  
21 I want to present the contracting  
22 complications that we had.



23                   Pre Solici tation Conference.txt  
24                   This figure -- the study began on this  
25                   site in 1990. At that time we had the  
                  alternative remedial contracting strategy

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1                   Presolici tation Conference  
2                   contracts, six of them, and we practically  
3                   devoted one whole contract, which was 145,000  
4                   labor hours, on this site, and we spent more  
5                   than \$10 million doing this study, and then  
6                   that contract ran out and we went to the Army  
7                   Corps of Engineers.

8                   They procured the same contractor. We  
9                   spent another \$15 million doing this. It was  
10                  a very complicated thing. Once the record of  
11                  decision was signed in 2002, and GE, they have  
12                  very deep pockets, so we had to show to them  
13                  that, hey, if you do not start the design, do  
14                  not implement the record of decision, we have  
15                  the means to do it.

16                  So we put together three Army Corps of  
17                  Engineers contractors, Malcolm Pirnie and at  
18                  that time it was TAMS and Ecology and  
19                  Environment, just to get ready for the design  
20                  in case GE backs out, but they came through,  
21                  but then we are still using those three  
22                  contractors to do various segments of the  
23                  site, like the design oversight and public  
24                  relations support and a whole bunch of other  
25                  things.

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2                   The next one gives you just the project  
3 facts that, I mean, they are relevant in the  
4 sense that the site is still very active. The  
5 responsible party, GE, is beginning the  
6 design.

7                   They have completed the design, and, as  
8 Bill stated yesterday, they're going to go  
9 under construction, and we are using a  
10 combination of the contractors as well as the  
11 Army Corps of Engineers resources to oversee  
12 what the GE people will be doing.

13                  This is another site. I'm just showing  
14 you the cleanup of the Bridgeport, which is  
15 one of the most notorious sites, because it  
16 got on the cover of National Geographic  
17 Magazine in 1983, and I don't have the  
18 original slide, which Bill showed yesterday,  
19 but this is the cleanup.

20                  And the reason I'm showing this, if  
21 you'll go to the next one, because here we  
22 have spent and we used the -- actually, back  
23 then CDM did the design, initial design, and  
24 then we brought in the Army Corps.

25                  They did the design, and at that time

1                   Presolici tation Conference  
2           Foster Wheeler did the remedial action on it  
3           under the Corps contract, but then the second  
4           phase of the cleanup began, which was the  
5           groundwater cleanup, and we used one of the  
6           RACs contractors from another region, CH2M  
7           HILL, to continue on this study, because they  
8           had a lot of experience. I just want to give  
9           you an idea of how we go about accessing the  
10          contractors.

11                 This is the federal Creosote site, which  
12          is one of the huge sites, and we will end up  
13          like spending \$200 million. Here also the  
14          RI/FS was done by CDM under the RACs contract,  
15          and then we brought in the Army Corps of  
16          Engineers and they did the design using the  
17          CDM again, and then the remedial action is  
18          underway, which is being done by the Army  
19          Corps of Engineers.

20                 This is another shot of that, because  
21          there's a lot of residential cleanup here, and  
22          that gives the project facts. This is another  
23          very interesting site, the Passaic River,  
24          because it might become another Hudson River  
25          in terms of the magnitude and the cleanup

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2           challenges we have.

3                 As you can see, this is like three

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4 rivers which are coming in here, Hudson and  
5 Raritan and Passaic, and the Newark Basin's  
6 involved, and there are all kinds of exotic  
7 contaminants, and there are -- unlike the  
8 Hudson River, the Hudson River has only one  
9 responsible party, GE, and one contaminant,  
10 here we have, so far we have identified like  
11 20 or 30 different contaminants and at least  
12 60 responsible parties, and there are stated  
13 instances involved in it who have a share of  
14 the Army Corps of Engineers. The WARDA  
15 program is involved in there.

16 This gives you some of the project  
17 facts. This is 17 miles tidal, the Dundee Dam  
18 and Newark Bay, and it's a combination of  
19 things which are happening here, and that  
20 gives the early action, what we propose to do.  
21 This site is in the very initial stages, and  
22 we brought in the Army Corps of Engineers  
23 contractor here.

24 And we chose Malcolm Pirnie for this  
25 site through the Army Corps of Engineers,

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2 because they were also working for the US Army  
3 Corps of Engineers for the WARDA program and  
4 not the NJDEP, but they are also contractors,  
5 so it was a logical thing, because they have  
6 so much knowledge that we chose them to do the

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7 work, but there is a lot of future potential,  
8 but we are going to use both the Army Corps as  
9 well as the RACs contract to provide the  
10 support, and we go back and forth between the  
11 Army Corps contractors and our own, depending  
12 on what we are looking for, who has the  
13 expertise, who has the resources.

14 So that is a general overview of the  
15 kind of sites we are doing here in Region 2,  
16 and there are much more. I did not intend to  
17 go into too much detail, because Bill  
18 presented the same thing in very detail  
19 yesterday, the kind of work that we do around  
20 here.

21 We have a program of like \$120 million a  
22 year, which is, which we spend on remedial  
23 planning, design and construction in this  
24 region, and the other share in Region 2 is  
25 roughly between 30 and 40 percent of the

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2 national budget.

3 So it is a huge program, and it's not  
4 going to end, because we are finding new sites  
5 and we have not finished the sites that we  
6 have. This pie chart gives you an idea of the  
7 RAC work activity.

8 We have two RACs contracts at this time,  
9 CDM and Tetra Tech, which are the most full

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10 and open large contracts that we procured in  
11 1998, and they will be expiring next year, and  
12 this gives you an idea about what kind of work  
13 has been done.

14 This was one of the questions that we  
15 received, and this is a response to that. We  
16 have done 50 RI/FS, five remedial design, 11  
17 remedial actions, four long-term response  
18 actions, 23 RI/FS oversight of the responsible  
19 parties, 10 remedial design oversight of  
20 responsible party, 17 remedial action  
21 oversight, and 13 other assignments, which may  
22 include the Brownfields, technical support,  
23 risk assessment, Homeland Security, and I  
24 think site assessment we have done here.

25 So that is the total magnitude, and I

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2 believe Donna Vizi an mentioned that we have  
3 utilized these contracts to the extent of  
4 about close to \$130 million, so this gives you  
5 an idea of what kind of work you should expect  
6 in the future.

7 And then the next two or three slides,  
8 just to give you an idea that besides the  
9 RI/FS, which is the main thing the RACs  
10 contractors do for us, we usually do EPA, we  
11 use the EPA contractors, whether they are our  
12 own or we go to other Regions to access the

13 EPA contract, to do the remedial investigation  
14 and feasibility study and risk assessment on  
15 those things, because we want to have direct  
16 relationships and we are the regulatory agency  
17 and we have to provide the direct guidance to  
18 the contractors, except in certain  
19 circumstances that we have used the Army  
20 Corps.

21 And one example was the Hudson River and  
22 the other one is the Passaic, where we are  
23 using their contractors for the RI/FS work,  
24 also where there are special circumstances, as  
25 I mentioned earlier, and besides that, usually

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2 we use the Army Corps and their contractors  
3 for the remedial design and the remedial  
4 action, the main reason being that the Army  
5 Corps has the resources and the expertise and  
6 the experience of more than 200 years to do  
7 all these kind of design and construction  
8 projects, and a decision was made back in the  
9 early '80s that EPA is not going to build up  
10 their own resources in terms of the design and  
11 construction expertise.

12 We would rather use the Army Corps to do  
13 those kind of projects, and that's the reason  
14 you will have noticed that most of our, in  
15 Region 2 the design and the construction

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16 projects have gone to the Army Corps, but we  
17 have, as I have pointed out earlier, there  
18 were a number of remedial actions that were  
19 done by our own contractors.

20 And the main criteria that we have used,  
21 if the project is unique, it is small, it is a  
22 quick turnaround that we can do, our  
23 contractors can do it quicker, faster and  
24 cheaper, then we would use them.

25 Otherwise we go to Army Corps, and these

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2 are some of the examples of the remedial  
3 design and construction projects that we have  
4 used the RACs contractor to do. One of them  
5 is SMS Instruments on Long Island, and this  
6 was done by CDM.

7 The earlier was the unfinished one, and  
8 this is the finished product, on the SMS they  
9 created, and the next page will show you --  
10 these are the project facts for this one,  
11 designed and constructed a 90 gph pump and  
12 treat system to address VOC contaminated  
13 groundwater and an SVE system to treat VOC  
14 soil contamination and treatment process,  
15 includes air stripping and GAC vapor phase  
16 treatment.

17 Treated water is discharged to an  
18 existing, and they have operated the system 24



19 hours per day, seven days per week.  
20 This was one of the projects which has  
21 gone from design to construction and then to  
22 the LTRA, long-term response action. CDM did  
23 all that, because we can operate, when the  
24 remedy is the long-term response action -- I'm  
25 sorry -- when the long-term response action

19

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2 remedy is the groundwater pump and treat, EPA  
3 can spend the fund money to operate the system  
4 for 10 years and then hand it over to the  
5 State. Has it been handed over?

6 Okay, so we, CDM operated the system for  
7 us for 10 years, and then we handed it over to  
8 the State. The remedial action cost alone was  
9 \$1.1 million, and then there was additional  
10 cost for the LTRA for 10 years, but the point  
11 is that the CDM was engaged, and they did the  
12 design and the construction and the LTRA  
13 under -- it began in the ARCS contract, and  
14 then it went into the RACs, and we finished it  
15 very successfully.

16 This is another example, and here the  
17 reason -- the Tutu Well Field is located in  
18 the Virgin Islands, and CDM very much wanted  
19 to go down there, and we had the Army Corps --  
20 first of all I'll show you the next slide.  
21 You can see the size of the project is not big

22 enough.

23 It's only two and a half million  
24 dollars, and the Army Corps did not have any  
25 presence in the Virgin Islands and Puerto

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2 Rico. They have their own unique way of doing  
3 business, so there was no reason for us to  
4 engage the Army Corps.

5 We relied on CDM, and they took the risk  
6 for us. They went down there and they  
7 completed this project for us, both the design  
8 and the construction, and I believe you are  
9 still doing the LTRA. Is it, the LTRA is  
10 going to go on for a few years? Yeah, until  
11 your contract expires.

12 So these are the two examples that I  
13 picked, but there are, as I indicated, there  
14 are 11, a total of 11 between the two  
15 contracts, and we have used the -- and that is  
16 the reason we have a chunk of money for, in  
17 the subpool to do the remedial actions.

18 As you know very well, this is a Brooks  
19 Act procurement, so the prime contractor  
20 cannot do the construction themselves. They  
21 have to go and hire subcontractors to do that,  
22 and they provide the construction management  
23 and administrative services for us as a  
24 representative of EPA.

25 The next project is a very interesting

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2 one, because it's another question that we  
3 received, whether there would be crossover  
4 between the Regions for the use of these, the  
5 future RACs, and I just want to show you, this  
6 was one of the glaring examples of the  
7 cooperation and the cost-effective utilization  
8 of department resources we have here.

9 This was, the New Hampshire plating  
10 project was initiated and pretty much  
11 completed. This is another shot. This gives  
12 you the magnitude of this project. It was  
13 initiated by Tetra Tech, with Novus as their  
14 sub, and they spent close to \$11.5 million  
15 doing that, and then they ran out of their  
16 performance period, so Region 1 came to us.

17 And we have a contract with Tetra Tech,  
18 and Tetra Tech was very accommodating in  
19 setting up the project the way Region 1 wanted  
20 it, and they are finishing it up for Region 1  
21 under our contract, and Keith Moncino is the  
22 project officer for that.

23 The cleanup -- I don't know when this  
24 shot was taken, but this is the cleanup of a  
25 picture of the New Hampshire. These are some

1                   Presolici tation Conference  
2           of the project facts. We have only given the  
3           \$3 million that they had accessed under the  
4           Tetra Tech Region 2 contracts, and, as I had  
5           mentioned earlier, they already spent like  
6           \$11.5 million under the Region 1 contract, and  
7           it has metals contaminated soils, 95,000 tons  
8           of soil treated by chemical fixation, 6.4-acre  
9           vegetated soil cover, rip-rap, and natural  
10          attenuation was done.

11                The unique thing about this kind of  
12          crossover is that the contracting officer and  
13          the project officers for the contract are here  
14          in Region 2, and the remedial project manager  
15          or the assignment manager is in Region 1, and  
16          the resources are located in Region 1 which  
17          are being utilized in a continuous way.

18                So that is a very important thing for  
19          us, because we do not want to import or export  
20          the resources, because that is very expensive  
21          for us, and that is the reason we go to -- and  
22          we have done here in this region, we have done  
23          a lot of crossover, going to the other  
24          Regions.

25                For example, we needed the CH2M HILL, so

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2 we went to Region 6, Region 5, Region 7 to  
3 access their contracts, and similarly  
4 Region 8, which is in Denver, they were using  
5 CDM and they needed our support from our RACs  
6 to CDM contracts.

7 We provided them access, and they are  
8 doing like seven or eight projects, so there  
9 is all this crossover. That's why we  
10 emphasize that your resources should be  
11 diversified, not only diversified, but, you  
12 know, they're very flexible, and you can  
13 provide the services, the expertise and the  
14 resources wherever they are needed, so if we  
15 need the resources in Region 2 we've got to  
16 have them here.

17 That is pretty much that, and then we  
18 also received a question regarding how we are  
19 going to distribute the future work. All I  
20 can tell you is that this is the matrix that  
21 we have used in the past to distribute the  
22 work on an individual basis between our  
23 existing ARCS contracts, and we used to have  
24 six contracts from 1988 to 1998, for 10 years,  
25 and this is the matrix that we used to assign

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2 the work, and then we had only two contracts.  
3 Still we used the same thing, and you  
4 can see the most important, number one

5           Pre Solicitation Conference.txt  
6           criterion is the contractor performance. You  
7           can come in here and you can win a contract,  
8           but if you do not perform, then you don't have  
9           much chance of getting the future work.  
10           So we are procuring four contracts that  
11           Rayna and Benita are going to talk more about  
12           that. Two of them are full-service,  
13           \$100 million contracts, and one of them is  
14           Service Disabled Veteran Owned. Full-service,  
15           that means the full statement of work will be  
16           performed by the contractor, and one is 8(a)  
17           set-aside. That is also \$20 million. So  
18           that's about it.  
19           That's all I have to say, and if there  
20           are any questions I'll take them.  
21           MS. McELRATH: We'll have them write  
22           them down and then come back and answer them  
23           later.  
24           MR. ALVI: Thank you very much.  
25           (Applause.)  
26           MS. JACKSON: Okay, I noticed that we

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1           Presolicitation Conference  
2           still had some late entries, so just remember  
3           to sign in today before you leave, and we have  
4           index cards over there on the table so you can  
5           write down questions, and we will answer them  
6           this afternoon.  
7           Okay, a quick overview of the

8 Pre Solicitation Conference.txt  
acquisition strategy. Of course this will be  
9 a cost plus fixed fee contract, and one of the  
10 things that the costs is that we just really  
11 want you to focus on, you know, and this  
12 statement here came directly out of the  
13 statement of work.

14 Please note that there will be no  
15 government furnished property issued on this  
16 contract, so the contractors shall furnish the  
17 personnel, services, materials, equipment,  
18 knowledge and expertise to successfully  
19 complete the tasks required under this  
20 contract, so we just wanted to point that out  
21 to make sure you guys understand that.

22 Okay, so as Shaheer just went over,  
23 there will be four contracts awarded under  
24 this procurement. We will have two full and  
25 open. Each will be worth 100 million apiece,

26

1 Presolicitation Conference  
2 and we will have one 8(a) and one Service  
3 Disabled Vet, each worth \$20 million, and if  
4 you attended the Small Business Forum  
5 yesterday you're aware of the, I know they  
6 went over the socioeconomic goals that EPA has  
7 set for themselves, so this mainly is the  
8 reason why the region decided to issue one  
9 8(a) and one Service Disabled Vet.

10 They want to support their socioeconomic

11 Pre Solicitation Conference.txt  
goals, and this also will help to achieve  
12 technical excellence and encourage cost  
13 efficiencies, and I think in the past they may  
14 have come across some conflict of interest  
15 with the two contractors that they were using,  
16 so this, having four hopefully will eliminate  
17 any conflict of interest occurring.

18 Of course, you know the NAICS code is  
19 562910 for the direct contracts, for the RACs  
20 contracts. The Small Business size will be  
21 500 employees or less. As I just stated  
22 earlier, the contract capacity is for the four  
23 different contracts, the two full and open one  
24 8(a) and one set-aside.

25 For the periods of performance, for the

27

1 Presolicitation Conference  
2 two full and open it will be a five-year base  
3 period. We will also have a one option  
4 five-year base period.

5 For the, since this is the first the  
6 time that Region 2, they've used the Small  
7 Businesses, we're going to use this sort of  
8 like a pilot program, so we're going to have  
9 only a five-year base period for the two  
10 set-asides, and, as Shaheer said earlier, you  
11 know, if you perform well, hopefully at the  
12 end of that five-year period they will want to  
13 recompetete the Small Businesses, and hopefully



14 Pre Solicitation Conference.txt  
the end result will be a larger contract.

15 Maybe, maybe you'll be willing to go  
16 with the five-year and the five-year base -- I  
17 mean, the option period.

18 All of the statements of work are  
19 identical for the four contracts, and I think  
20 some of the regions are using task scores, but  
21 we will be using work assignments on this on  
22 the four contracts.

23 Basically with the work assignment it  
24 will just identify the area that the work is  
25 needed on, and once we receive the statement

28

1 Presolicitation Conference  
2 of work from a project officer we usually send  
3 that out to the contractor and to request a  
4 work plan along with your costs for that  
5 particular assignment.

6 And also you will be required to issue  
7 or submit a conflicts of interest pertaining  
8 to that particular work assignment. Shaheer  
9 covered this slide pretty well in his  
10 presentation. It just talks about the  
11 different work areas, the fund-lead, site  
12 specific, enforcement support and other  
13 technical assistance.

14 This slide just basically is some of the  
15 main attachments that will be required. We  
16 will have a statement of work. You will

17           Pre Solicitation Conference.txt  
18       also -- which is already posted on our web  
19       site, and the task inventory is also listed,  
20       and the work breakdown structure is also as  
21       well.

22           The reports of work, they're mainly the  
23       monthly progress reports, you know, the work  
24       that you've performed, and so it's sort of  
25       like it's a combination of the work breakdown  
      structure and the task inventory structure, so

29

1           Presolicitation Conference  
2       that will be part of the contract.

3           Okay, the fun part. The term form work  
4       assignments. With the term form basically,  
5       you know, there's a level of effort.

6           Work assignments, we will negotiate the  
7       beginning of, you know, how many level of  
8       efforts that will be required for that  
9       assignment, and we'll encourage that, you  
10      know, you just put forth your best efforts,  
11      make sure that you try to get the work  
12      completed within that period of performance,  
13      and if our project officer decides that, okay,  
14      they really tried, but they're going to need  
15      some additional time or additional hours, then  
16      a new work assignment or additional LOEs will  
17      would be issued, but with the completion form  
18      it's totally different.

19           At the beginning we will negotiate a

Pre Solicitation Conference.txt  
20 ceiling for, if the requirement is already  
21 known, we know for sure that it would take  
22 this amount of time, this is what needs to be  
23 done, and if the work, if you can't complete  
24 the work within that ceiling, you will still  
25 be required to complete it, but at cost, but

30

1 Presolicitation Conference  
2 you will not receive an additional fee.  
3 So of course we will have to pay you for  
4 any costs that are incurred, but an additional  
5 fee will not be issued.  
6 And for the subcontractor pool, as  
7 Shaheer said earlier, this is the Brooks Act,  
8 so the prime contractor, who comes up with a  
9 design, they're not allowed to do the  
10 construction under the contract, so we set  
11 aside a subcontracting pool for that  
12 subcontractor, so if -- that's pretty much it.  
13 That's pretty much it for the subcontracting  
14 pool. It's just a, for your subcontracting,  
15 the construction part of the contract.  
16 Rayna is going to come up and go over  
17 the, basically, just the basic periods and  
18 option periods, and after she's done we're  
19 going to answer the questions that you've  
20 already submitted.  
21 MS. BROWN: Okay. What we have up here  
22 is under, I think, section E of the RFP, and

23           Pre Solicitation Conference.txt  
it just basically lists what our bid  
24           quantities are under the term form, the  
25           completion and the subpool amount. This is

31

1           Presolicitation Conference  
2           for the full and open procurement, with the  
3           base year and the option period.  
4           The next one is for the set-asides. I  
5           would like to bring to your attention that  
6           there has been a correction made. Previously  
7           there were some numbers listed in the base  
8           quantity for completion in the subpool, and so  
9           there have been corrections made, and you'll  
10          also see that in the final RFP.

11          The next thing I just kind of wanted to  
12          mention is the thing about security background  
13          checks. You might see some language in the  
14          contract about that, and that is not required  
15          of everybody at every situation. It's on a --  
16          how would you say?

17          MS. McELRATH: Case by case.

18          MS. BROWN: It's on a case-by-case  
19          basis, and you'll be told when that background  
20          check will need to be conducted. We've had  
21          several questions about this, and so we wanted  
22          to bring to your attention that, in terms of  
23          competing on either of the procurements, firms  
24          may team on more than one of the three  
25          procurements, but you do so at your own risk,

1                   Presolici tation Conference  
2           so that's a business deci si on you have to  
3           make.  
4                   And based on the FAR 36.6 the source  
5           selection offici al , which we call the SS0, has  
6           the discreti on to move to the next firm to  
7           preserve the government's needs for  
8           al ternative sources, so that's a deci si on that  
9           you can make, but you are not prohi bi ted from  
10          bid di ng on mul ti ple sol i ci ta ti ons.  
11                  This is just a brief overview of the  
12          Brooks Act source selecti on process. The  
13          Brooks Act of 1972 procedures apply if a  
14          statement of work that has substantial or  
15          domi nant, I mean, to a domi nant extent  
16          speci fies performance or approval by a  
17          regi stered or li censed archi tect or engi neer.  
18                  CERCLA secti on 118(e) states that the  
19          Brooks Act procedures shall be used to select  
20          the RAC contractors.  
21                  And a couple of the highl ights are that  
22          we make a publi c announcement of the  
23          government's needs, which we've done in the  
24          synopsi s as well as on EPA's web si te; that we  
25          select the most ski lled and responsi ble

Pre Solicitation Conference.txt

1                   Presolici tati on Conference  
2           archi tect and engi neers, whi ch we do by  
3           l ooki ng fi rst onl y at the techni cal proposa l s  
4           wi thout even consi deri ng costs; and then that  
5           we rank -- ranki ng and the sel ecti on cri teri a  
6           are based on professi onal qual i fi cati ons, not  
7           on fee or pri ce.

8                   So we do those thi ngs, and we don' t get  
9           to the cost proposa l unti l after we' ve gotten  
10          down, brought i t down to l i ke the hi ghest  
11          ranked fi rms. Okay, next I' m j ust goi ng to go  
12          over the maj or steps of the A&E process that  
13          gets us down to ul ti matel y awardi ng a  
14          contract.

15                  The fi rst thi ng that we do i s establi sh  
16          an Archi tect and Engi neer Eval uati on Board,  
17          or, i f we are goi ng to have two boards, one  
18          board wi l l serve for the ful l and open  
19          competi ti on and then we' l l have a separate  
20          board that wi l l serve for the set-asi des, and  
21          that board wi l l serve for the sel ecti on of  
22          both the 8(a) and the SDV contracts. And we  
23          j ust want to emphasi ze that those boards are  
24          made up of very hi ghly qual i fi ed techni cal  
25          members here at EPA.

34

1                   Presolici tati on Conference  
2                   Next, you know, of course we' l l request  
3           the SF330s be our formal fi nal RFP, and then

Pre Solicitation Conference.txt

4 those SF330s will come into headquarters, to  
5 Benita, and we'll evaluate them for  
6 responsiveness, you know, making sure you met  
7 the deadline, making sure that you adhere to  
8 all the proposal instructions.

9 And then those proposals will be  
10 forwarded to the board and the board will  
11 evaluate them against the evaluation criteria  
12 stated in section M under evaluation factors  
13 for award as well as evaluation and scoring.

14 And upon their evaluation the board will  
15 form what is termed as a short list, and this  
16 comes out of the FAR, and in that short list  
17 the FAR states that it has to have at least  
18 three firms on it.

19 And just to kind of bring some  
20 clarification, for the set-aside procurement  
21 there will be two short lists. Each of them  
22 will adhere to the minimum, I mean, the  
23 required three firms per short list, so there  
24 are actually two short lists and the  
25 set-aside, because even though they're under

35

1 Presolicitation Conference  
2 one solicitation they're being treated as two  
3 distinctly different procurements.

4 And what's not on the slide is the fact  
5 that EPA headquarters or selection official  
6 has to approve the short list before we can

Pre Solicitation Conference.txt

7 proceed to discussions, if necessary, or oral  
8 presentations, and the SS0 has to also approve  
9 the final list before we proceed to  
10 negotiation.

11 The next thing, of course, it says the  
12 discussions if necessary and oral  
13 presentations. We did note here that the  
14 government is considering not conducting oral  
15 presentations for the set-aside procurement.  
16 A decision will probably be made by the time  
17 we post the final RFP whether or not EPA will  
18 decide to do that.

19 Okay, and we will provide the firms that  
20 are on the short list, as well as the firms  
21 that we will invite to oral, and then after  
22 orals are conducted the board will determine  
23 whether or not those orals positively or  
24 adversely impacted the weightings that were  
25 established on the short list, and then they

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1 Presolicitation Conference

2 will form what is called a final selection  
3 list.

4 That final selection list will rank all  
5 of the firms from the highest to the lowest,  
6 and that list once again goes to the SS0 for  
7 approval before we go into negotiation.

8 And also, I don't think I mentioned  
9 this, but the oral presentations, the ones



Pre Solicitation Conference.txt

10 that we'll be conducting will be held at the  
11 Region 2 office, and oral presentation  
12 instructions and procedures, like the  
13 scenario, will be shared with those on the  
14 short list, who will be invited to the oral  
15 presentation.

16 Next, from the final selection list the  
17 top firms that we will enter into negotiations  
18 with will be requested to submit a cost  
19 proposal, a COI plan, a draft uniform federal  
20 policy and quality assurance project plan, and  
21 the reps and certs.

22 And I don't know if I -- okay, I  
23 mentioned that already, and then we'll enter  
24 into negotiations. And we'll try to negotiate  
25 a fair and reasonable price based on an

37

1 Presolicitation Conference  
2 accurate proposal, something that is fair and  
3 reasonable for both parties, for the  
4 government as well as for the contractors.

5 Based on that, if we can negotiate a  
6 fair and reasonable contract an award will be  
7 made. If we cannot, however, according to the  
8 FAR we will terminate those negotiations and  
9 begin negotiations with the next firm on the  
10 final selection list.

11 Also at that time when we get all these  
12 additional submittals the COO will make a

Pre Solicitation Conference.txt

13 determination about responsibility, which  
14 includes like an adequate approved accounting  
15 system, so those are some of the things that  
16 will be looked at at that juncture.

17 This is evaluation criteria and scoring,  
18 and this is what's in section M of the RFP,  
19 and you can see the percentage distribution  
20 between the evaluation criteria. The next  
21 thing is a very useful matrix that EPA put  
22 together to kind of help you better understand  
23 where EPA is going to find its information to  
24 evaluate you on.

25 There have been some updates made to the

38

1 Presolicitation Conference

2 matrix and some corrections that will be made,  
3 but they will be captured in the final RFP.

4 Like this slide incorrectly states that  
5 subcontracting plan is -- I don't know, this  
6 might not be clear, but the subcontracting  
7 plan will be requested with the SF330s;  
8 however, often they're only requested of large  
9 businesses, so on the full and open  
10 competition Small Businesses are able to bid  
11 on that competition, but they will not be  
12 required to submit the subcontracting plan.

13 It will only be the large businesses  
14 that are required to submit this plan with  
15 their FS330s. We'll make sure that this is

Pre Solicitation Conference.txt

16 clarified in our proposal instructions in the  
17 final RFP. And that statement about the  
18 subcontracting plan for the final selection  
19 has been corrected as submitted with the  
20 SF330.

21 Here is just the schedule. It is  
22 tentative and subject to change if necessary,  
23 but it just kind of highlights some of the  
24 pertinent dates as it pertains to your  
25 interests, so these are the dates.

39

1 Presolicitation Conference

2 We are slightly staggering the full and  
3 open process and award from the set-aside,  
4 where -- I think it's kind of staggered by two  
5 weeks, for a couple of reasons:

6 One, because we didn't want to have all  
7 the boards away from the office to get the  
8 normal work done, as well as it provides some  
9 opportunity for the Small Businesses to give  
10 them a little more time in preparing their  
11 proposals.

12 And, once again, these slides will be  
13 made available online, so you'll be able to  
14 get all these dates. That conclude the  
15 process of bidding.

16 MS. JACKSON: Okay, the questions that  
17 we have. Now, these are the ones that you  
18 guys sent to us earlier from the, after you

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19 had a chance to look at this draft RFP, and on  
20 this, on the screen here, we cut it down some.  
21 I know all of you can't see it, but I'm going  
22 to try to read the complete questions. The  
23 first question was:

24 "According to the RFP, the maximum  
25 subpool amount for each of the base and option

40

1 Presolicitation Conference

2 periods -- according to the RFP, the maximum  
3 subpool amount for each of the base and option  
4 periods is 12.5 million.

5 "Since many infield sites are awaiting  
6 remedial action funding, the maximum subpool  
7 amount would seem to limit the number of RAs  
8 that can be performed under this contract.  
9 Will consideration be given to increasing the  
10 subpool amount in order to allow the potential  
11 for additional remedial actions under the  
12 contract?"

13 So we've discussed this with the program  
14 office here, and the answer was no. Subpool  
15 amounts are appropriate and are approximately  
16 25 percent of the contract value.

17 And a reminder, we still have additional  
18 cards here if you guys want to write down some  
19 more questions for this afternoon.

20 The next one is:

21 "The amount of space available in the

Pre Solicitation Conference.txt

22 SF330, section F, block 25, a brief  
23 description of project and revenue for this  
24 contract, may be inadequate to describe some  
25 large, complex projects. Please specify

41

1 Presolicitation Conference  
2 instead a 20-page limit for the entirety of  
3 section F so that we may allocate additional  
4 pages to describe the most complex projects."

5 So the answer. The following change is  
6 made to the instructions for section F.  
7 Offerors shall follow the numbering and  
8 content of the section F form. Offerors may  
9 use up to two pages for section F and may  
10 expand it to fill the two pages as they feel  
11 appropriate. This means that each project in  
12 section F may use up to two pages.

13 The next one. "Part of the proposal  
14 instructions for the SF330 section E states,  
15 page 1 of the section E form page which may be  
16 modified as follows, offerors can expand  
17 section 19, relevant projects, to allow three  
18 rather than five projects. If that is done a  
19 second page is allowed for up to two  
20 additional projects.

21 "The spacing for each project on page 2  
22 shall be equivalent to the space allotted for  
23 each project on page 1. These instructions  
24 are not sufficiently flexible to allow for

25 expanding the space available in blocks 16

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1 Presolicitation Conference  
2 through 18 to discuss a key person's  
3 education, professional registrations and  
4 other qualifications, including relevant  
5 training, nor do the instructions allow for  
6 using block 19 to describe fewer than five of  
7 the key person's projects within the allotted  
8 space.

9 "Please modify the instructions quoted  
10 above so that they will enable offerors to use  
11 the allotted two pages to provide a resume  
12 that is tailored to most effectively present  
13 each person's relevant qualifications and  
14 experience."

15 The answer is the following change is  
16 made to instructions for section E, part 19:  
17 Offerors shall follow the numbering and  
18 content of the section E form. Offerors may  
19 use up to two pages for section E and may  
20 expend it to fill those two pages as they feel  
21 appropriate. This means that each resume in  
22 section E may use up to two pages.

23 The next one is: "Page L-3 of 10,  
24 section L.8 suggests limiting the number of  
25 contracts to 20 in the past two years.

1                   Presolici tation Conference  
2           Offerors shall submit five contracts per team  
3           member for past performance references.  
4                   "All contracts must either have been  
5           completed in the last three years or, if  
6           ongoing, have been in existence for at least  
7           six months. Prime references will be weighted  
8           60 percent and combined team subcontractor  
9           references will be weighted 40 percent."  
10                  The next question: "Page L-9 of 10  
11           section L. 14 requires submittal of a  
12           subcontracting plan. Please clarify if that  
13           is submitted as an additional attachment."  
14                  I think Rayna just went over that. Yes.  
15           The subcontracting plan has been added as an  
16           additional attachment to the SF330. This  
17           requirement only applies to large businesses  
18           proposing under the full and open competition.  
19                  Statement of work, page 2 indicates  
20           contractor may be tasked to provide  
21           remediation services activities within Mexico  
22           or Canada. Please verify. This is within the  
23           scope of the statement of work, but Region 2  
24           does not anticipate ordering any work in  
25           Mexico or Canada.

1                   Presolici tation Conference

Pre Solicitation Conference.txt  
2 You have to excuse me. I didn't know I  
3 was going to have to read off the screen. I  
4 don't have my glasses.  
5 "Number seven, please clarify number of  
6 copies to be submitted as printed and  
7 electronic." We ask for eight copies hard  
8 copy, and we need one CD-ROM.  
9 "RFP L. 12 (procedures for participation  
10 in the EPA mentor-protégé program) indicates  
11 that if the offeror is proposing an EPA  
12 mentor-protégé agreement a 10-page max  
13 application should be included with the  
14 proposal.  
15 "The SF330/proposal instructions for  
16 section H indicate a three-page max  
17 attachment, including any proposal to  
18 participate in the EP mentor-protégé program.  
19 Are these two separate attachments?"  
20 The answer: Offerors submitting an  
21 application for the mentor-protégé program  
22 shall follow the instructions in L. 12. Only  
23 one attachment is required.  
24 The next question: "RFP L. 4 (evaluation  
25 criterion for capacity to accomplish the work

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1 Presolicitation Conference  
2 in the required time) indicates evaluation of  
3 the offeror's commitment to utilizing Small  
4 Business firms, including participation in the



5           Pre Solicitation Conference.txt  
agency's mentor-protégé program.

6           "Does this mean that all other Small  
7       Business, slash, Small Disadvantaged Business  
8       commitments factors being equal an offeror  
9       participating in the EPA mentor-protégé  
10      program will be scored higher than offerors  
11      not participating?" The answer is yes.

12          Number 10: "Per RFP L. 8 (past  
13      performance information), will past  
14      performance questionnaires be requested for  
15      the 10 projects included in section F? Will  
16      the questions for additional projects be  
17      requested or permissible?"

18          The answer is: See the answer to  
19      question four. I don't have it right here,  
20      so -- oh, thank you.

21          So the answer is, to question four was:  
22      Offerors shall submit five contracts per team  
23      member for past performance references, and  
24      all contracts must either have been completed  
25      in the last three years or, if ongoing, have

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1           Presolicitation Conference  
2      been in existence for at least six months.

3          "Per RFP L. 17 (conflict of interest  
4      plan) and the SF330 proposal instructions, we  
5      understand that the conflict of interest plan  
6      will be required of the final selected  
7      offeror. Per RFP L. 6 (organizational conflict

8 Pre Solicitation Conference.txt  
of interest notification), an organizational  
9 conflict of interest certification or  
10 disclosure statement is required with the  
11 proposal. Could you clarify what offerors are  
12 required to submit with their proposals."

13 The answer is: L. 6 will be deleted.

14 Okay, number 12: "The statement of work  
15 lists three work areas, fund-lead, enforcement  
16 support and other technical assistance.  
17 Please provide the Region's best estimate of  
18 the percent distribution of work assignments  
19 among the three work areas that may be issued  
20 under the new RAC2 contract and the  
21 distribution of work assignments under the  
22 current RAC contract."

23 Okay, so Shaheer went over this during  
24 his presentation, so we're referring you back  
25 to his presentation. That will be posted

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1 Presolicitation Conference  
2 online as well.

3 The next question: "Fund-lead work area  
4 activities include but are not limited to  
5 remedial action, construction support, long-  
6 term response actions, non-time-critical  
7 removal support, non-time-critical removal  
8 action, and post-construction remedial action.

9 "Enforcement support work area  
10 activities include but are not limited to RA

11 Pre Solicitation Conference.txt  
oversight, removal oversight, long-term  
12 response oversight, O&M oversight and post-  
13 construction RA oversight.

14 "Please provide the Region's best  
15 estimate of the percent distribution of  
16 construction-related work assignments and  
17 associated dollar amounts of each assignment  
18 type that may be issued under the new RAC2  
19 contracts and the distribution and associated  
20 dollar amounts of construction-related work  
21 assignments under the current RAC contract."

22 Again I refer you to Shaheer's  
23 presentation.

24 Number 14: "The available subpool  
25 dollars for both the base period and the

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1 Presolicitation Conference  
2 option period is \$12,500,000 each, for a total  
3 of \$25 million. Will all remedial action  
4 subcontractor dollars performed under the RAC2  
5 contract come out of this total 25 million  
6 subpool?"

7 The answer is yes.

8 "Section H, special contract  
9 requirements, lists clauses H.46, performance  
10 and payment bonds, and H.47, advance agreement  
11 on bonding. Must the prime contractor have  
12 the capability to issue such bonds, or may a  
13 team subissue such bonds?"

14 Pre Solicitation Conference.txt  
The answer is, the prime contractor must  
15 ensure that performance and payment bonds are  
16 acquired by its construction contractors.  
17 "What are the target goals that the full  
18 and open RAC2 contractor must meet for  
19 participation by Small Business, Small  
20 Disadvantaged Business, Small Disadvantaged --  
21 it should be Small Disabled Veteran Owned  
22 Business -- or any other Small Business  
23 classifications?  
24 So we've answered it here. For the  
25 Small Business it's 50 percent, Small

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1 Presolicitation Conference  
2 Disadvantaged is 20 percent, Women Owned Small  
3 Businesses, 7.5 percent, HUBZone businesses  
4 three percent, and Service Disabled Veteran  
5 Owned Small Businesses three percent.  
6 Next question is: "Is it a requirement  
7 in the Region 2 RAC2 RFP that the prime  
8 contractor include a mentor-protégé firm as  
9 part of their team?"  
10 No, it's not.  
11 Next: "The statement of work did not  
12 specifically address any type of assignment  
13 that might include identification of  
14 potentially responsible parties, PRPs. Are we  
15 correct in assuming that the selected RAC2  
16 contractors will not be asked to conduct PRP

17 Pre Solicitation Conference.txt  
18 searches and identify PRPs?" The answer is  
19 yes, that is a correct assumption. PRP  
20 searches are not part of the RAC.  
21 Next: "The general requirements  
22 paragraph of the statement of work includes a  
23 statement that the RAC2 contract may be used  
24 to support activities under the Brownfields  
25 initiative. Please provide the Region's best  
estimate of the type and associated dollar

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1 Presolicitation Conference  
2 amount of work assignments that may be issued  
3 under the RAC2 contract related to Brownfields  
4 sites."

5 Again I'll refer you back to the  
6 presentation given earlier by Shaheer. The  
7 requirement for Brownfields support under  
8 these contracts will be minimal.

9 "If a company is qualified as an 8(a)  
10 and Service Disabled Vet Owned Small Business  
11 as per the exception for NAICS 562910, does it  
12 need to submit separate SF330s, one for the  
13 8(a) and one for the Service Disabled?"

14 The answer here is no, the offeror is  
15 not expected to submit two sets of proposals.  
16 The offeror must clearly identify the  
17 procurements as to which it is responding.

18 This is the last question: "Could or  
19 would a firm be selected that qualifies as

20 Pre Solicitation Conference.txt  
both 8(a) and Service Disabled Vet to  
21 participate in the oral presentations twice?  
22 Or how does the agency propose to handle a  
23 firm to be considered for either SDV or  
24 set-aside contract opportunities?"  
25 The answer: An offeror bidding on both

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1 Presolicitation Conference  
2 the 8(a) and the Service Disabled contracts  
3 will only be expected to participate in one  
4 oral presentation, if required.  
5 Okay. That's it for the previous  
6 questions that we've received, so we'll go  
7 around the room now and select the index  
8 cards. Do you guys have any questions? And  
9 we will break for about 10, 20 now. Let's go  
10 ahead and collect the cards and see how many  
11 questions we have. It will determine how long  
12 we need to break for.

13 If you, did you, is there anyone out  
14 there who needs additional cards?

15 (Recess taken.)

16 MS. JACKSON: I think we're about ready  
17 to get started. Would everybody be seated,  
18 please.

19 There are a few questions that we  
20 weren't able to answer today, and I just want  
21 to clarify, just to make sure you guys know  
22 that these are preliminary answers, you know,

23 Pre Solicitation Conference.txt  
24 because we only had an hour, and otherwise it  
25 would have taken a little longer, but we came  
up with answers, and some of them we may have

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1 Presolicitation Conference  
2 to go back and update, but we'll be posting  
3 the questions and answers online.  
4 The question one, which is: "Must the  
5 EPA mentor-protégé program be bid as a joint  
6 venture? Or can it be bid as a team to stay  
7 small under the standard size?"  
8 Basically this is pretty much a business  
9 decision for you guys, but what we've decided,  
10 since -- we think we're going to need more  
11 consultation with our Small Business Office to  
12 answer all of the questions as it relates to  
13 the mentor-protégé program, so I think we had  
14 about three or four questions regarding that  
15 program, so we will have to get back with you  
16 on answers for those.  
17 And question number two, this is another  
18 one that we will also need clarification on,  
19 but the question was: "Can our SF330 include  
20 more than one application for participation in  
21 the EPA mentor-protégé program? Can we have  
22 several EPA protégés on this contract?"  
23 We will have to, like I said earlier, we  
24 have to contact our Small Business Office for  
25 the correct answer on this one.

1                   Presolici tation Conference

2                   I think the first three questions all, I  
3                   mean, we were trying to lump them all  
4                   together, but the third one is: "Could you  
5                   please review again your answers to the  
6                   questions pertaining to the mentor-protégé  
7                   program." We will get back with you on that.

8                   Okay, question number four: "If a  
9                   Service Disabled Vet or 8(a) has to do a  
10                  minimum of 50 percent of the work required,  
11                  will they be required to submit more than  
12                  50 percent of the key resumes?

13                 The first part of this question, the  
14                 main thing that you need to remember in  
15                 regarding to the amount of work, the clause in  
16                 the RFP states that the prime contractor has  
17                 to perform 51 percent of the work, and we ask  
18                 that you submit resumes for at least three of  
19                 your key personnel, and that would be the  
20                 program manager, the financial manager and the  
21                 quality assurance manager.

22                 The second part of that question relates  
23                 to the mentor-protégé program, so we'll have  
24                 to get back with you on that one.

25                 Number five: "Does a joint venture that



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1                   Presolici tati on Conference  
2           is proposed by a large and small team have to  
3           be approved by the Small Business  
4           Administration prior to the due date?"

5                   And the answer to that is yes, as long  
6           as it's a genuine joint venture it would have  
7           to be approved, but we will have to get the  
8           accurate answer from the Small Business  
9           Administration. My panel, please jump in if  
10          you guys want to have anything to add.

11                  Okay, number six: "Will there be a  
12          minimum percentage required for Service  
13          Disabled Vets Owned Small Business Labor?"  
14          Yes, the answer is 51 percent. It's  
15          51 percent.

16                  I think once we -- Rayna was trying to  
17          type up the answers, and we pretty much  
18          stopped there, so he's going to be typing them  
19          up, and then we're also going to have to have,  
20          we want to give you a more clear answer, so  
21          she did type up all of the questions.

22                  Number seven: "Will section 2 be  
23          included in the page count?" This is in  
24          reference to the FS330.

25                  Basically each offeror shall submit part

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1                   Presolici tati on Conference  
2           two of the SF330 as specified on the form, and  
3           there is not an overall limitation of the

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4 proposal, but we did specify certain page  
5 limits for certain parts, which also, which is  
6 listed in the proposal instructions.

7 Number eight: "Can introducing  
8 materials be, introductory materials be  
9 included in sections E or F? For example,  
10 matrix of resumes and matrix of projects,  
11 respectively."

12 No, that's not necessary.

13 Number nine: "In reference to bonds, so  
14 the Service Disabled Vets or 8(a) only have to  
15 have a construction contractors post P&P  
16 bonds. Do they post bonds to the EPA or to  
17 the contractor?"

18 All of the contractors are required to  
19 follow the proposal instructions in regards to  
20 the P&P requirement.

21 Number 10: "Will a joint venture  
22 agreement with a large business greater than  
23 500 employees bring the Service Disabled Vet  
24 or 8(a) into a large business category? Will  
25 the SBA make the final size determination

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1 Presolicitation Conference  
2 based on the joint venture's participants?"

3 We just decided basically that would  
4 have to be a business decision on your part,  
5 but just remember that whoever is the prime,  
6 that they will be required to perform

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7 51 percent of the work, so which means that  
8 the, if you are the prime, if you're large,  
9 then you will be categorized probably out of  
10 the offer, but we will clarify that with our  
11 Small Business Office.

12 Number 11: "Participation of all terms  
13 is at your own risk and is a business  
14 decision. Can you cite one contract where the  
15 same team has been reversed/flipped and  
16 resulted in a win on both contracts?"

17 We were kind of confused with this  
18 question. Add the second part will be: "Will  
19 the Service Disabled Vets or 8(a) contracts be  
20 awarded prior to the large, considering no  
21 Service Disabled Vet or 8(a) currently  
22 exists?"

23 Well, this would basically be at the  
24 discretion of the source selection officer in  
25 making her decision, and we, I know we've

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2 talked about this earlier in the presentation.  
3 I think Rayna covered that part. I can't  
4 remember which slide number. Can you remember  
5 exactly which area you said?

6 MS. BROWN: It was in one of the steps.

7 MS. JACKSON: But if you refer back to  
8 the presentation that we'll be posting, we did  
9 cover that part about the SS0 will be making a

10 decision on how to handle that.

11 Number 12: "There was mention if  
12 contractors' selection based on prior specific  
13 size experience in Region 2. How does this  
14 promote, increase competition on the full and  
15 open for firms/teams without prior MPA  
16 experience in Region 2?"

17 And the second part of it: "Will it  
18 encourage oral presentations for the set-aside  
19 contractor so that WPA may have the  
20 opportunity to get to know teams which they  
21 may not be familiar with?"

22 For the second part, we will reconsider,  
23 or we haven't made a final decision yet for  
24 the oral presentations for the small  
25 businesses. We will discuss that with the

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1 Presolicitation Conference  
2 project officer.

3 It will be his decision, but in regards  
4 to the first part, Shaheer is going to come up  
5 a little later, because there were several  
6 questions that relate back to his presentation  
7 that he had earlier. He will answer the part  
8 about the Region 2 program

9 Do you want to do it now, Shaheer?

10 MR. ALVI: There is a difference in  
11 there, in the -- I'll just refer to that, if  
12 you read the poster RFP, there is a difference

13 there. If you read that particular paragraph,  
14 section -- is that section M? There is a  
15 requirement that you must have the Region,  
16 there is a reference to Region 2 experience,  
17 and we have also used elsewhere.

18 So that is not limited to, either to  
19 experience -- you can have experience  
20 elsewhere which is particularly relevant to  
21 what we do here in Region 2, for example, if  
22 you have a PCB experience which is in  
23 Pennsylvania or Connecticut, which is as good  
24 as here, so read that carefully.

25 We are not limiting your experience to

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2 within the boundaries of Region 2. We are  
3 more emphasizing you should be able to do the  
4 bulk, the kind of work that we do, and I've  
5 given you past examples of that, and you can  
6 go to our web site, the EPA web site, and you  
7 can find your way to the NPL listing.

8 Each site has a description, what are  
9 the problems and what work was done, and you  
10 will have a very powerful idea of Region 2,  
11 the kinds of problems.

12 MS. JACKSON: Number 13: "Will EPA  
13 establish a work assignment specifically for  
14 program management activities?" The answer is  
15 no, it will not. The second part of this is

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16 "If yes" -- but the answer is no.  
17 Number 14: "In the case of RD/RA, after  
18 an RD please describe the bidding and  
19 subcontracting process, for example, who  
20 advertises jobs, who evaluates contractors,  
21 who selects and who holds the construction  
22 subcontract? What is EPA's role versus AE's  
23 role in the above process?"  
24 All of this responsibility is for the  
25 prime. The prime is responsible for these

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2 subcontractors, so you would have to do the  
3 advertisement for your subcontracts.  
4 You would have to evaluate, and the only  
5 thing, the only thing that would come back to  
6 the CO is we would have to do a consent  
7 package. You will present a consent package  
8 and they will approve it.  
9 Number 15: "On the 8(a) set-aside  
10 contract, can the 8(a) prime contractor  
11 subcontract the design services and perform  
12 the construction of remedies under the Brooks  
13 Act? Or vice versa?" Did you want to talk  
14 about this again? The answer is no, but I  
15 think --  
16 MR. ALVI: The answer is no, but I will  
17 explain more later.  
18 MS. JACKSON: The answer is no, but he

19 will elaborate on that a little later.

20 Number 16: "Under the 8(a) can the  
21 prime contractor perform both the design and  
22 construction services?"

23 Again the answer is no.

24 Number 17: "Of the funding limits  
25 listed in the RFP, what is a realistic value

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2 of funding in Region 2, considering the  
3 government's funding issues?"

4 This is, Shaheer is going to answer  
5 this, but number 18 he will also cover, which  
6 states: "Please read the five criteria listed  
7 on the sample work allocation matrix slide  
8 that was shown this morning," and that was one  
9 of Shaheer's slides, so he's going to go over  
10 that for you.

11 MR. ALVI: Do you want to do it now?

12 Or --

13 MS. JACKSON: Yes.

14 MR. ALVI: Okay. No, I just wanted to  
15 make -- Benita has already answered this.  
16 This is the Brooks Act procurement, and  
17 therefore you can only do the 8(a) and only  
18 perform the design services and provide the  
19 construction oversight, as I have mentioned  
20 earlier in my presentation.

21 You cannot do the prime, the prime

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22 cannot do the construction. That's a  
23 violation of the FAR, Part 49, so I think that  
24 clarifies the point that, no, the first, the  
25 answer to the question number 15 is no.

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2 Seventeen? Of the funding limits listed  
3 in the RFP, what is the realistic value of  
4 funding in Region 2, considering government's  
5 funding issues?"

6 No one can predict what the future will  
7 look like. I have given you an idea that  
8 traditionally Region 2 has received like  
9 30 percent of the national Superfund budget,  
10 which is around \$130 and \$140 million.

11 Most of it is construction, as Bill  
12 McCabe showed yesterday, so we have used that  
13 funding to access the RACs contract and mostly  
14 for the RI/FS. I have also shown, and we can  
15 put that slide back on later on, to show you  
16 the distribution of the work among the RI/FS,  
17 the RA oversight, the remedial design and this  
18 is on the pie chart.

19 So that's all I can predict, but I do  
20 not know, no one knows, what the funding  
21 situation will be in the future and what the  
22 national priorities will be, because they  
23 change also with the administration and with a  
24 whole bunch of other factors that come into



25 play, but so far we have done the cleanups,

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2 and based on that you can make your own  
3 conjecture, and I can only tell you what has  
4 happened in the past, so that is my answer.

5 Number 18? This is the pie chart, yes.  
6 This shows the kind of work that we have done  
7 under the RACs contracts, and that's all I can  
8 tell you, because we have not shown the dollar  
9 value, because there are a whole bunch of  
10 projects still going on.

11 We have two numbers here, the amount of  
12 money that we have obligated to the contract,  
13 which is much higher than what they have  
14 actually incurred in the past years.

15 So it's still, there is a year left in  
16 the contract, and we have the major, you know,  
17 the summer and the spring and the fall where  
18 we are, most of the field work basically is,  
19 and the field work for the RI/FS is roughly 30  
20 percent of the total budget.

21 So therefore we would not put --  
22 basically we did not put the numbers in there,  
23 but can give you an idea of the kind of work  
24 that we have done in the RACs contracts.  
25 That's all I can tell you.

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2 And the last one. Okay, this is the  
3 work assignment allocation criteria, and I  
4 believe the question was that they wanted to  
5 read aloud. The contractor's performance is  
6 the number one criteria, then the conflict of  
7 interest screening, the available capacity of  
8 the contract, and I will give you specific  
9 examples to illustrate the point, the  
10 site-specific knowledge and experience and  
11 related special knowledge and experience.

12 For example, if I were at \$10 million of  
13 remedial action, as I have shown you earlier,  
14 a site like Hudson River or the Passaic River,  
15 where the RI/FS on Hudson River we spent close  
16 to \$25 million, then of course that kind of  
17 site we know up front we are not going to  
18 assign to the set-aside contracts, but if it's  
19 a small site we are going to completely, we  
20 are going to ask the required COI and work  
21 assignment technical qualifications.

22 So we will give a chance to all of the  
23 four contractors, and we will also consider  
24 whether we have met the minimum, because there  
25 are minimums of the contracts.

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2           We try to meet them, and then, say for  
3           example, this is the remedial action  
4           oversight, which we know is not going to cost  
5           more than \$100,000 a year then, and if it's a  
6           situation that we had met the minimum with the  
7           three contractors and the fourth contractor is  
8           not permitted, we will simply go and assign it  
9           to the fourth one.

10           But if it's a situation where we have  
11           met the minimum with all of them, the 100,000,  
12           then we send the, then we'll send the work  
13           assignment technical qualification and COI  
14           check. It's all four, and then they have to  
15           come back and show us the best, you know,  
16           their best proposal within, you know, two or  
17           three digits, that -- and addressing all those  
18           things, based on that, we will make an  
19           evaluation, and then we will assign it to the  
20           best among the four, without regard to the  
21           small or a large.

22           If it's a large size, as I stated  
23           earlier, and it will result in a \$10 million  
24           remedial action of an RI/FS which is going to  
25           go on at least for six or seven years, then we

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1           Presolicitation Conference  
2           know that the set-aside cannot do that job, so  
3           we will only go to the large one.

4           And if it's a smaller job -- so it

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5 depends on the situation, that this is the way  
6 we have done it in the past and that's the way  
7 we intend to do it in the future. We will be  
8 very inclusive, very fair, and we will explain  
9 it to you that why we assigned a particular  
10 job to certain contractor. Okay.

11 MS. JACKSON: Number 19: "Does EPA have  
12 a plan on how they intend to use the large  
13 business versus 8(a), the Service Disabled  
14 contractors, for example, what type of work  
15 assignments will go to each?"

16 And I think Shaheer just explained that  
17 as well.

18 MR. ALVI: I already explained this.

19 MS. JACKSON: Number 20: "If a business  
20 is certified under multiple Small Business  
21 categories, will inclusion of that firm meet  
22 multiple set-aside categories?" And the  
23 second part: "Is it possible to obtain a  
24 contract list for the primes who attended the  
25 Small Business network meeting yesterday."

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2 On the second part, we will provide you  
3 with the web site, because they provided us, I  
4 think they provided a web site. We will be  
5 posting that list from yesterday's attendance.

6 MR. SCHELLER: It would be, yes, the  
7 agency would get credit for multiple

8 Pre Solicitation Conference.txt  
categories.

9 MS. JACKSON: The agency would receive  
10 credit for multiple categories. The answer to  
11 the first part of number 20 is yes, the agency  
12 will receive credit for the multiple  
13 categories.

14 Number 21: "Will we be able to  
15 highlight the team's past performance in  
16 projects section?"

17 That's basically your decision, however  
18 you -- you know, if you determine that you  
19 need to highlight some of the performance  
20 team, that's fine.

21 MR. SCHELLER: Five references, the  
22 prime and each of the subs.

23 MS. JACKSON: And one of the questions  
24 is more -- I think we highlighted, made the  
25 change, so we'll be submitting five past

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2 performance references and five for the subs.  
3 I think it's five and five. It's in one of  
4 the earlier questions.

5 Number 22: "Does the subcontracting  
6 pool money include other services besides  
7 construction, such as drillers, surveyors,  
8 labs, cultural resource surveys and specialty  
9 subcontractors?"

10 Keith is going to hit me with that one.

11 Pre Solicitation Conference.txt  
12 He corrected me on one of my responses this  
13 morning on the subcontractor part. I covered  
14 it this morning, but Keith told me I didn't  
15 cover it enough.

16 MR. MONCINO: Do you want to address it  
17 again?

18 MR. ALVI: Sure. Yeah. The question  
19 is -- and the answer is, yes, the subpool  
20 dollars include shared during the RI/FS. You  
21 need the driller, the service -- I'm sorry --  
22 the surveyors, and the sampler. I mean, you  
23 have to do all kinds of investigation, and you  
24 need subcontracting services for that.

25 That money is put, set aside in the  
subpool, and if you happen to do the remedial

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1 Presolicitation Conference  
2 action as well, that money is also included,  
3 so for the large businesses we have set aside  
4 the pool for \$25 million, and that includes  
5 all the services that you need that you cannot  
6 provide yourself, or you have to meet the  
7 set-aside part, which Benita projected this  
8 morning, you know, that we treat it like  
9 50 percent of your subpool dollars would have  
10 to go to the Small Business, the Small  
11 Disadvantaged and a whole bunch of categories,  
12 so yes, the money would be used for all those  
13 services which are provided.

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14 MS. JACKSON: Number 23: "Page 3-5 of  
15 five under additional attachments number  
16 three, 'Offerors shall provide a Quality  
17 Management Plan,' is this QMP required with  
18 the proposal? Or will it be required just for  
19 the final selected firms?"  
20 It will be required with the proposal.  
21 And number 24: "Attachment three,  
22 section F, page 3-3 of five, where are the  
23 definitions of RI/FS, RD, RA work areas? For  
24 example, one man's RI/RF is another man's site  
25 assessment, et cetera."

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2 We will, I will provide you with a link  
3 to the OSWER office, which is the Office of  
4 Solid Waste and Emergency Response. I will  
5 put the link on the page, and they're the  
6 office who -- they have templates for all of  
7 the statements of work and the work inventory  
8 and everything, and they have definitions in  
9 there of all of the different.  
10 Yes, sir?  
11 AUDIENCE MEMBER: It's my question. May  
12 I follow up on it? Because --  
13 MS. JACKSON: Speak loudly.  
14 AUDIENCE MEMBER: The issue is that,  
15 well, let me just give you the exact -- the  
16 task inventory in attachment eight has those

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17 same definitions I think you're going to give  
18 us the links to, and then attachment nine uses  
19 more generic definitions, and so we just -- I  
20 don't want to -- I don't know which one to  
21 look to.

22 MR. ALVI: I know what you're referring  
23 to. The statement of work has given you the  
24 generic definitions, but if you are not  
25 familiar with the RI/FS process, because there

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2 are a lot of, a number of these set-aside  
3 companies you may not be familiar with, then  
4 there are all kinds of guiding documents on  
5 Office of Solid Waste and Emergency Response  
6 web site, including like the, that confusion  
7 was that there is an RI/FS and there's a site  
8 assessment.

9 When the Superfund is very well defined  
10 there is a guidance document of how to conduct  
11 the RI/FS, and then there's a guidance  
12 document how to conduct the site assessment.

13 When you go on a regular facility, those  
14 two things mix up. They have a different  
15 definition. Here we are referring everything  
16 to the Superfund and the CERCLA and the SARA,  
17 which are the governing statutes, and that's  
18 why we are saying that we are going put the  
19 link, so you can go to the source, and OSWER



20 Pre Solicitation Conference.txt  
21 is the one who defines all those things, and  
22 our statement of work is linked to the OSWER  
23 definitions.  
24 AUDIENCE MEMBER: Okay, I appreciate  
25 that, but then this is a task inventory, which  
is 50 or 60 pages of very detailed

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1 Presolicitation Conference  
2 definitions, and now is this set of  
3 definitions then going to be, now are we going  
4 to incorporate those as definitions into this  
5 proposal?

6 MR. ALVI: No, we are not. I'm saying  
7 that you follow this.

8 AUDIENCE MEMBER: This attachment?

9 MR. ALVI: Yes. But if you, for your  
10 education or for your information, if you want  
11 to go, if you have never conducted an RI/FS  
12 and you are an 8(a), for example, then you can  
13 go to the OSWER site and you can educate  
14 yourself how to conduct an RI/FS. That's all  
15 I'm saying, but this is your guiding document.

16 AUDIENCE MEMBER: Then one final follow-  
17 up question about this whole process. Can we  
18 ask the agency to consider changing, lowering  
19 those -- what do they call it? -- similar size  
20 standards under, in that, with that  
21 attachment, three, page 3-3 of five?

22 And the reason I'm asking it is that the

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23 RA, the agency reviews the size standard for  
24 the set-aside from 5 million to the open to  
25 one million for the set-aside, but the RI and

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2 everything else has been left at the same size  
3 standard. I'd venture that even CDM has, you  
4 know -- a million and a half dollar RI/FS is a  
5 pretty comprehensive RI/FS.

6 I don't know how many of those, I don't  
7 know how many Service Disabled Vets are going  
8 to come up with a million and a half RI/FS.

9 MR. ALVI: Well, a million and a half is  
10 our low average, and, as I indicated about the  
11 average, I think our smaller RI/FS is now  
12 running to between one and one and a half  
13 million, medium RI/FS from 1.5 to about three  
14 and a half million, and the larger RI/FS, they  
15 go anywhere from three and a half to  
16 20 million.

17 So those are the kinds of things that we  
18 have done here in the Region 2, and you have  
19 to consider all the other factors, the cost of  
20 living and all the other factors, the labor  
21 rates and things like that.

22 AUDIENCE MEMBER: Right. If we can use  
23 this definition that you gave us, Exhibit 2,  
24 the task inventory, that certainly helps,  
25 gives you those bigger sized projects.

1                   Presolici tation Conference

2                   MR. ALVI: I think you should submit any  
3                   specific question and deal with that question.

4                   AUDIENCE MEMBER: Okay.

5                   MS. JACKSON: This is the last question.  
6                   "What are laboratory requirements?"

7                   We realize that we left that category  
8                   out of the draft RFP, but we will update it  
9                   and post it in the final RFP, and one of the  
10                  things I forgot to mention earlier was, you  
11                  know, everyone who asked the questions about  
12                  joint ventures and the Service Disabled Vets,  
13                  some of the same questions, if you referred to  
14                  FAR 52.219-27, it really helps you out to  
15                  define how the government or a Small Business,  
16                  helps you with the containment and, you know,  
17                  the joint ventures and all that, but we will  
18                  continue to answer those questions for you  
19                  which you've already posted.

20                  These are our contact numbers, but a  
21                  quick note. We will also still be receiving  
22                  additional questions. We haven't set a  
23                  deadline yet before the final, so just keep  
24                  checking the web site for updates.

25                  Hopefully we will have a final completed

Pre Solicitation Conference.txt

1                   Presolici tation Conference  
2           with in, I think we had a date around the first  
3           week of June, maybe a little longer, depending  
4           on when people are taking vacations, but this  
5           is our contact information.

6                   If you have any questions, please  
7           contact me or Rayna Brown. Please do not go  
8           to the program office, and I think that will  
9           be it. Rayna and Benita are procurement CO  
10          and CS. It's such a great turnaround, and  
11          we're looking forward to the great proposals  
12          you're going to submit. Thank you.

13                   (Applause.)

14                   (Time noted: 12:28 p.m.)

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2                   C E R T I F I C A T E  
3   STATE OF NEW YORK )

4 ) ss.:

5 COUNTY OF NEW YORK )

6

7 I, JAMES W. JOHNSON, a Registered  
8 Professional Reporter and Notary Public within  
9 and for the State of New York, do hereby  
10 certify that the within is a true and accurate  
11 transcript of the proceedings taken on Friday,  
12 May 18, 2007.

13 I further certify that I am not related  
14 to any of the parties to this action by blood  
15 or marriage; and that I am in no way  
16 interested in the outcome of this matter.

17 IN WITNESS WHEREOF I have hereunto set  
18 my hand this 1st day of June 2007.

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JAMES W. JOHNSON  
Registration #01J05000925  
Commission Expires 9/4/2010